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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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10/731,102

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Takaharu Ouchi

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FOLEY AND LARDNER LLP
SUITE 500
3000 K STREET NW
WASHINGTON, DC 20007

EXAMINER

OVANDO, PABLO R

ART UNIT

PAPER NUMBER

2609

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|------------------------|---------------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 10/731,102 | OUCHI, TAKAHARU | |
| | Examiner | Art Unit | |
| | Pablo R. Ovando | 2609 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 May 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|----------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION***Claim Objections***

Claims 1-8, 10 are objected to because of the following informalities: Claims 1 and 10 do not properly differentiate the communication means. Claims 2-8 are dependent on these claims and therefore are objected to. Appropriate correction is required.

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the different claimed controllers must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an

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application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-7, 9,10 are rejected under 35 U.S.C. 102(b) as being anticipated by Yuki, US Patent 6,437,871 (hereinafter referenced as Yuki).

As to **claim 1**, the claimed "first control section" reads on Fig.1 CPU 4 that detects communication means, which is different from said communication means, when abnormality occurs in the transmission/reception of information (col. 5 lines 7-11) with the management center (col. 4 lines 36-38, col. 4 lines 52-54, wherein "management center" reads on destination), and a second control section (fig.1 Selecting means 7) that controls the transmission/reception of information with the management center by using the communication means detected by the first control section (col. 5 lines 11-14).

As to **claim 2**, Yuki discloses communication means using a network line (fig.1 LAN Adaptor 10), communication means using a telephone line (fig. 1 PSTN adaptor 8) or communication means using a personal computer (It is noted that "personal computer" reads on fig.1 elements 1,2,3,4,5,6,11 because those elements are part of a facsimile apparatus and a facsimile apparatus has the same characteristics of a personal computer i.e., ROM, RAM, CPU, HDD).

As to **claim 3**, Yuki discloses that the first control section detects communication means using a telephone line (fig. 1 PSTN adaptor 8).

As to **claim 4**, Yuki discloses that the first control section detects communication means using a personal computer (It is noted that "personal computer" reads on fig.1 elements 1,2,3,4,5,6,11 because those elements are part of a facsimile apparatus and a facsimile apparatus has the same characteristics of a personal computer i.e., ROM, RAM, CPU, HDD).

As to **claim 5**, Yuki discloses communication means using the personal computer connects to the management center via a network (fig.1 LAN Adaptor 10), or connects to the management center via a telephone line using a modem (fig. 1 PSTN adaptor 8).

As to **claim 6**, Yuki discloses that the first control means (fig.1 CPU 4) detects the communication means using a telephone line (fig. 1 PSTN adaptor 8), the second control section (fig. 7 Selecting Means 7) converts the information to a two-dimensional bar code (fig. 1 coding means 3, it is noted that coding means and selecting means

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communicate through a bus to perform the coding), and sends the two-dimensional bar code as a facsimile to the management center.

As to **claim 7**, Yuki discloses communication means using a personal computer is detected, the second control section controls the transmission/reception of information with the management center via the personal computer (It is noted that the personal computer uses the communication means of the "LAN" and "telephone line" which reads on fig.1 PSTN adaptor 8 and fig. 1 LAN adaptor 10).

As to **claim 9**, Yuki discloses a first detection means (fig. 1 CPU 4) for detecting whether the transmission/reception of information with the management center (col. 4 lines 36-38, col. 4 lines 52-54, wherein "management center" reads on destination) by using the communication means detected by the first control section (col. 4 lines 54-58, col. 5 lines 11-14) is executable using a telephone line (fig. 1 PSTN adaptor 8), when abnormality occurs in the transmission/reception of information center (col. 5 lines 7-14) with the management center; first control means for controlling (fig. 1 Selecting means 7) the transmission/reception of information with the management center using the telephone line (fig. 1 PSTN adaptor 8), when the first detection means detects that the transmission/reception of information with the management center is executable using the telephone line (col. 4 lines 54-58, col. 5 lines 7-14); second detection means (fig. 1 CPU 4) for detecting whether the transmission/reception of information with a pre-provided personal computer (It is noted that "personal computer" reads on fig.1 elements 1,2,3,4,5,6,11 because those elements are part of a facsimile apparatus and a facsimile apparatus has the same characteristics of a personal computer i.e., ROM,

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RAM, CPU, HDD), which is connected to the network (fig. 1 LAN adaptor 10) or the telephone line (fig. PSTN adaptor 8), is executable, when the first detection means detects that the transmission/reception of information with the management center is not executable using the telephone line (col.5 lines 7-14); and second control means (fig. 1 Selective means 7) for controlling the transmission/reception of information with the management center via the network (fig. 1 LAN Adaptor 10) or telephone line (fig. 1 PSTN adaptor 8) using the personal computer, when the second detection means detects that the transmission/reception of information with the personal computer is executable (Col. 5 lines 7-14).

As to **claim 10**, Yuki discloses a method of detecting communication means (fig. 1 CPU 4), which is different from said communication means (col. 4 lines 54-58, col. 5 lines 11-14), when abnormality occurs in the transmission/reception of information with the management center (col. 4 lines 36-38, col. 4 lines 52-54, wherein "management center" reads on destination) by using the communication means detected by the first control section (col. 4 lines 54-58, col. 5 lines 11-14); and controlling the transmission/reception of information with the management center by using the detected communication means (col. 4 lines 54-58, col. 5 lines 7-14).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yuki in view of Tanimoto, US Patent 6,885,469 (hereinafter referenced as Tanimoto).

As to **claim 8**, Yuki meets all the limitations with the exception of disclosing that the second control section controls guidance display relating to connection to any one of the communication means or relating to communication with a service center. However, it was well known in the art at the time of invention to display the error occurring in the facsimile apparatus as evidenced by Tanimoto. Tanimoto discloses a sensor (col. 3 lines 31-32), which reads on "control" that detects an error, and indicates the irregularity to the CPU, which can then be viewed in a display unit (col. 3 lines 30-41). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply the teachings of displaying the errors of a facsimile apparatus in a display unit as disclosed in Tanimoto in the apparatus of Yuki for the purpose of notifying the user when a communication path is not detected. It would be beneficial for the user to have the facsimile apparatus display that the communication is not valid in order to avoid trouble shooting other aspects of the apparatus.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pablo R. Ovando whose telephone number is 571-272-


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9752. The examiner can normally be reached on M-F 7:30 am to 5:00pm, EST,
Alternating Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Pendleton can be reached on 571-272-7527. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

P.O


BRIAN TYRONE PENDLETON
PRIMARY EXAMINER